

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Patrick Perugino, West Haven

File No. 2020-053B

FINDINGS AND CONCLUSIONS

The Complainant, Patrick Perugino, filed the instant complaint with the Commission pursuant to Connecticut General Statutes § 9-7b. The Complainant alleged that that Michael Southworth ("Respondent"),¹ the treasurer of the *Southworth for Senate* committee (the "Committee") failed to report expenditures incurred by the Committee in connection with their application for a grant from the Citizens' Election Program as required by General Statutes § 9-706. The following are the Commissions findings of fact and conclusions of law:

ALLEGATIONS

1. Complainant alleges that Respondent, failed to report expenditures incurred by the Committee in connection with their application for a grant from the Citizens' Election Program as required by General Statutes § 9-706.
2. Specifically, Complainant alleges that Respondents: 1) failed to report expenses incurred by the Committee for campaign signs; and 2) failed to report expenses incurred by the Committee for wages paid to a campaign manager and treasurer.

LAW

3. Connecticut law requires treasurers of committee to report expenditures incurred by a committee, even if such expenditure has not yet been paid. Specifically, General Statutes § 9-608 provides, in pertinent part:

(a) Filing dates. (1) Each treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) on the tenth calendar day in the months of January, April, July and October, . . . The statement shall be complete as of eleven fifty-nine o'clock p.m. of the last day of the month preceding the month in which the statement is required to be filed, except that for the statement required to be filed on the seventh day preceding the election, primary or referendum, the statement shall be complete as of eleven fifty-nine o'clock p.m. of the second day immediately preceding the required filing day. The statement shall cover a period to begin with the first day not included in the last filed statement. In the case of a candidate committee, the statement

¹ Allegations concerning Casimir Mizera shall be addressed in a separate document.

required to be filed in January shall be in lieu of the statement formerly required to be filed within forty-five days following an election.

(c) Content of statements. (1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: . . . (B) an itemized accounting of each expenditure, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; (C) an itemized accounting of each expense incurred but not paid, provided if the expense is incurred by use of a credit card, the accounting shall include secondary payees, and the amount owed to each such payee; . . .

4. General Statutes § 9-706 (c) further requires that any application for a grant from the Citizens' Election Fund include an itemized accounting of committee financial transactions and provides:

The application shall be accompanied by a cumulative itemized accounting of all funds received, expenditures made and expenses incurred but not yet paid by the candidate committee as of three days preceding the day the application is filed. Such accounting shall be sworn to under penalty of false statement by the treasurer of the candidate committee. The commission shall prescribe the form of the application and the cumulative itemized accounting. The form for such accounting shall conform to the requirements of section 9-608.

FACTUAL BACKGROUND AND DISCUSSION

5. On or about April 2, 2020, Respondent filed a SEEC Form 1 and SEEC Form 1A with the Commission registering as a candidate for the Connecticut State Senate and forming the Committee.
6. On the SEEC Form 1A filed by Respondent on or About April 2, 2020, Respondent signed the document indicated that he agreed to be the treasurer of the Committee.
7. Casimir Mizera served as treasurer of the Committee until he filed a termination report for the Committee with the Commission on or about March 29, 2021.
8. On or about August 17, 2020, Casimir Mizera submitted an Itemized Campaign Finance Disclosure Statement, SEEC Form 30 on behalf of the Committee.

9. Casimir Mizera indicated on the August 17, 202 Itemized Campaign Finance Disclosure Statement, SEEC Form 30 that such document an “Itemized Statement accompanying application for Public Grant[.]”
10. On or about August 18, 2020, Respondent and Casimir submitted a Citizens’ Election Program Application for Public Grant Dollars.
11. On or about August 20, 2020, the Committee incurred an obligation to pay a sign vendor \$1,859.00.
12. On or about September 1, 2020, Casimir Mizera submitted an Itemized Campaign Finance Disclosure Statement, SEEC Form 30 on behalf of the Committee.
13. The September 1, 2020 SEEC Form 30 for the Committee purported to report all expenditures made and incurred for the period August 17, 2020 through September 1, 2020.
14. The September 1, 2020 SEEC Form 30 for the Committee did not report the Committee’s incurred obligation to pay the sign vendor \$1,859.00.
15. As of September 1, 2020, the Committee had not yet paid the sign vendor.
16. On or about September 15, 2020, Complainant filed the instant complaint with the Commission
17. On or about October 5, 2020, Casimir Mizera amended the September 1, 2020, SEEC Form 30 for the Committee to include the incurred obligation to pay the sign vendor \$1,859.00.
18. After investigation by Commission staff, which included a review of internal documentation of the Committee and relevant bank records, Commission staff did not identify any payments or obligations to make payments to Casimir Mizera or any other individual that was not properly reported on the September 1, 2020 SEEC Form 30 for the Committee.
19. Pursuant to General Statutes § 9-706 (c), a committee treasurer is required to report committee financial transactions and obligations on a financial statement submitted in connection with an application for a Citizens’ Election Fund grant in the same way as such treasurer would on a statement filed pursuant to General Statutes § 9-608. Accordingly, a financial statement submitted in connection with an application for a Citizens’ Election Fund grant must include “an itemized accounting of each expense incurred but not paid[.]” General Statutes § 9-608 (c) (1) (C).

20. Based upon the specific facts of this case, the Commission determines that Respondent's conduct was not a violation of General Statutes § 9-706.

ORDER

The following Order is recommended on the basis of the aforementioned findings:

That the allegations in this matter concerning Michael Southworth be dismissed.

Adopted this 16th day of June, 2021 at Hartford, Connecticut.



STEPHEN E. MALONEY
By Order of the Commission